

REMARKS

Claims 1-3, 15, and 17-20 have been rejected under 35 USC 103 as obvious over Cheston in view of Bearden for the reasons stated in section 5 on pages 2-5 of the Office Action. Furthermore, claims 4-14 and 16 have been rejected under 35 USC 103 as obvious over Cheston in view of Bearden and further in view of Doran Jr. for the reasons stated in section 6 on pages 5-9 of the Office Action.

By this Amendment, the claims have been revised such that it is submitted that claims 1-20, as amended, are patentable over the cited art, taken either alone or in combination, for the following reasons:

Cheston relates to a data processing system method for recovering from system crashes. Initially, two copies of the application or operating system are stored in different segments of a partitioned storage, one copy as a working copy and a second copy as an archive or backup copy. When the working copy of the application or operating system becomes corrupted and crashes, the backup copy is used as the new working copy and a new backup copy is stored to be used when the working copy crashes.

In the present invention, the backup copy of the primary operating system is not created while running the primary operating system. Rather, the computer is booted to another emergency operating system and then the primary operating system is copied to the backup copy. By creating the copy in this fashion, the backup copy of the operating system is in a known non-corrupted state.

On the other hand, if you backup the primary operating system while running the primary operating system as with Cheston, there are all these files which are locked or opened by the primary operating system and you therefore cannot guarantee a clean copy of such files.

Furthermore, before a copy of the primary operating system is made, it is set into a state where it will automatically regenerate a new System Identifier (SID) on its next boot so that the

backup copy of this primary operating system will include this change as well. Accordingly, when the backup operating system is used for rebuilding the primary operating system, it always regenerates the SID when the rebuilt primary operating system is booted for the first time.

The Examiner appears to have the opinion that storing the installation component on a third "scratch" partition is obvious. However, Applicant disagrees in that it is necessary to ensure that the third partition is created only for use with scratch data and will never contain any permanent application data. This allows for the easy erasure of the entire scratch partition during manufacturing without affecting the primary operating system, the emergency operating system, the backup copy of the operating system, the application data partitions, the configuration settings partition, etc.

If the present invention did not use a temporary scratch partition, that is, if it never created any temporary application data that could be erased, then the scratch partition used during manufacturing would actually permanently remove the scratch partition's storage capacity from the usable disk space. However, says the present invention uses the scratch partition, this enables the scratch partition's storage capacity to be used during the normal operation of the computer after its manufacture.

On the other hand, Doran implies that the software installation bits are in the same partition as that of the running operating system. Thus, Doran teaches away from the present invention in that the installation components are in a separate partition from that of the primary and operating system partitions. On the Allies, it would be necessary to significantly increase the size of the primary operating system partition to allow sufficient space for the set up files.

Thus, it should be emphasized that in the present invention, the set up files are not in the running operating system partition, thereby avoiding wasting space in the primary operating system partition and also facilitating the easy erasure of the set up files after manufacture since this can be easily accomplished by reformatting the scratch partition that was used to temporary store the installation bits.

As to Bearden, it is noted that, as with Doran, the installation component is not installed on a separate partition as in the present invention but rather is installed on the same partition as the operating system.

In view of the above, it is submitted that independent claims 1, 6, 14, and 15, as amended, are patentable over the cited art taken either alone or in combination. In addition, it is submitted that dependent claims 2-5, 7-13, and 16-20, by their dependency upon amended claims 1, 6, 14, and 15, are also patentable over the cited art taken either alone or in combination.

Additional references were cited by the Examiner but not utilized in the rejection of the claims and accordingly, no further comment on these references is necessary.

No other issues remaining, reconsideration and favorable action upon all of the claims now present in the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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